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ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.  
  
Plaintiff,  
  
v.  
  
GOOGLE INC.  
  
Defendant.

Case No. CV 10-03561 WHA

**DECLARATON OF MARC DAVID PETERS  
IN SUPPORT OF ORACLE'S OBJECTIONS  
TO GOOGLE'S PROPOSED CLAIM  
CONSTRUCTIONS**

Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William H. Alsup

1 I, Marc David Peters, declare as follows:

2 I am a partner at Morrison & Foerster LLP and am counsel of record to Plaintiff Oracle  
3 America, Inc. I have personal knowledge of the matters set forth herein and, if called to testify,  
4 could and would testify competently to the following.

5 1. Attached hereto as Exhibit A is a true and correct copy of relevant pages from the  
6 WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1986) and MICROSOFT PRESS COMPUTER  
7 DICTIONARY (3d ed. 1997).

8 2. Attached hereto as Exhibit B is a true and correct copy of relevant pages of the  
9 certified file history of U.S. Patent No. 7,426,720, bearing Bates numbers  
10 OAGOOGL0000052271-293.

11 3. Attached hereto as Exhibit C is a true and correct copy of U.S. Patent No.  
12 7,213,240.

13 4. Attached hereto as Exhibit D is a true and correct copy of relevant pages of  
14 Google's Request for *Inter Partes* Reexamination under 37 C.F.R. § 1.915 relating to U.S. Patent  
15 No. 7,426, 720.

16 5. Attached hereto as Exhibit E is a true and correct copy of Section 2106.01 from  
17 the MANUAL OF PATENT EXAMINING PROCEDURE § 2106.01, 8th Edition, Revision 6, dated  
18 September 2007. This section remains unchanged in the current edition of the MPEP, 8th  
19 Edition, Revision 8 (July 2010).

20 6. Attached hereto as Exhibit F is a true and correct copy of the Examination  
21 Guidelines for Computer-Related Inventions dated February 28, 1996, available at  
22 [www.uspto.gov/web/offices/pac/dapp/pdf/ciig.pdf](http://www.uspto.gov/web/offices/pac/dapp/pdf/ciig.pdf).

23 7. Attached hereto as Exhibit G is a true and correct copy of Section 2106 from the  
24 MANUAL OF PATENT EXAMINING PROCEDURE, 8th Edition, dated August 2001. The relevant  
25 portion on page 2100-14 is indicated.

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1 I declare under penalty of perjury under the laws of the United States that to the best of  
2 my knowledge the foregoing is true and correct. Executed on December 9, 2011, in Palo Alto,  
3 California.

4  
5 /s/ Marc David Peters  
MARC DAVID PETERS

6  
7 **GENERAL ORDER 45 ATTESTATION**

8 I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file the  
9 Declaration of Marc David Peters in Support of Oracle's Objections to Google's Proposed Claim  
10 Constructions. In compliance with General Order 45, X.B., I hereby attest that Marc David  
11 Peters has concurred in this filing.

12 Dated: December 9, 2011

13 By: /s/ Michael A. Jacobs  
MICHAEL A. JACOBS